

Owen J. McKeon  
J. Brugh Lower  
**GIBBONS P.C.**  
One Gateway Center  
Newark, NJ 07102-5310  
Tel: 973-596-4500  
Fax: 973-596-0545

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BROADCAST MUSIC, INC.; MJ PUBLISHING  
TRUST d/b/a MIJAC MUSIC; EMI  
BLACKWOOD MUSIC, INC.; SONG A TRON  
MUSIC; SONY/ATV LATIN MUSIC  
PUBLISHING LLC; SONY/ATV SONGS LLC;  
HOUSE OF GAGA PUBLISHING LLC;  
REDONE PRODUCTIONS LLC d/b/a SONGS  
OF REDONE,

Plaintiffs,

v.

MISH-J.O. INVESTMENT CORP. d/b/a  
GREEN KNOLL GRILL; and JOSEPH R.  
DICHIARA, individually,

Defendants.

Civil Action No.:

*Document Electronically Filed*

**COMPLAINT**

Plaintiffs, by their undersigned attorneys, for their Complaint against Defendants, allege as follows:

**JURISDICTION AND VENUE**

1. This is an action for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. § 101 et seq. (the “Copyright Act”). This Court has jurisdiction pursuant to 28 U.S.C. § 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(a).

**THE PARTIES**

3. Plaintiff Broadcast Music, Inc. (“BMI”) is a corporation organized and existing under the laws of the State of New York. BMI’s principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 8.5 million copyrighted musical compositions (the “BMI Repertoire”), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Federal Rule of Civil Procedure 17(a) and 19(a).

5. Plaintiff MJ Publishing Trust is a trust doing business as Mijac Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff EMI Blackwood Music Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Song A Tron Music is a partnership owned by Allen George and Fred McFarlane. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Sony/ATV Latin Music Publishing LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Sony/ATV Songs LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff House of Gaga Publishing LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff Redone Productions LLC is a limited liability company doing business as Songs of RedOne. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Defendant Mish-J.O. Investment Corp. is a corporation organized and existing under the laws of the State of New Jersey, which operates, maintains and controls an establishment known as Green Knoll Grill, located at 645 US Highway 202/206, Bridgewater, New Jersey 08807, (the “Establishment”), located in this district.

13. In connection with the operation of the Establishment, Defendant Mish-J.O. Investment Corp. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

14. Defendant Mish-J.O. Investment Corp. has a direct financial interest in the Establishment.

15. Defendant Joseph R. DiChiara is the President of Defendant Mish-J.O. Investment Corp. with primary responsibility for the operation and management of that corporation and the Establishment.

16. Defendant Joseph R. DiChiara has the right and ability to supervise the activities of Defendant Mish-J.O. Investment Corp. and a direct financial interest in that corporation and the Establishment.

#### **CLAIMS OF COPYRIGHT INFRINGEMENT**

17. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 16.

18. Plaintiffs allege four (4) claims of willful copyright infringement, based upon Defendants’ unauthorized public performance of musical compositions from the BMI Repertoire.

All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

19. Annexed to this Complaint as a schedule (the “Schedule”) and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the four (4) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to “Lines” are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

20. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

21. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

22. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff

BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

23. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

24. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. § 502;

(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. § 504(c);

(III) Defendants be ordered to pay costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505; and

(IV) Plaintiffs be granted such other and further relief as is just and equitable.

Dated: October 22, 2014  
Newark, New Jersey

By: s/ Owen J. McKeon  
Owen J. McKeon  
J. Brugh Lower  
**GIBBONS P.C.**  
One Gateway Center  
Newark, NJ 07102-5310  
Tel: 973-596-4500  
Fax: 973-596-0545  
omckeon@gibbonslaw.com  
jlower@gibbonslaw.com

*Attorneys for Plaintiffs*

## *Schedule*

Line 1	Claim No.	1
Line 2	Musical Composition	Billie Jean
Line 3	Writer(s)	Michael Jackson
Line 4	Publisher Plaintiff(s)	MJ Publishing Trust d/b/a Mijac Music
Line 5	Date(s) of Registration	12/27/82
Line 6	Registration No(s).	PA 158-772
Line 7	Date(s) of Infringement	5/16/14
Line 8	Place of Infringement	Green Knoll Grill

---

Line 1	Claim No.	2
Line 2	Musical Composition	Show Me Love
Line 3	Writer(s)	Allen George; Fred Mc Farlane
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music, Inc.; Allen George and Fred Mc Farlane, a partnership d/b/a Song A Tron Music
Line 5	Date(s) of Registration	3/24/95
Line 6	Registration No(s).	PA 752-568
Line 7	Date(s) of Infringement	5/16/14
Line 8	Place of Infringement	Green Knoll Grill

---

Line 1	Claim No.	3
Line 2	Musical Composition	Suavemente
Line 3	Writer(s)	Elvis Crespo
Line 4	Publisher Plaintiff(s)	Sony/ATV Latin Music Publishing LLC
Line 5	Date(s) of Registration	1/29/99
Line 6	Registration No(s).	PA 934-438
Line 7	Date(s) of Infringement	5/17/14
Line 8	Place of Infringement	Green Knoll Grill

---

Line 1	Claim No.	4
Line 2	Musical Composition	Bad Romance
Line 3	Writer(s)	Stefani Germanotta a/k/a Lady Gaga; Nadir Khayat a/k/a RedOne
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC; House Of Gaga Publishing LLC.; Redone Production LLC d/b/a Songs Of RedOne
Line 5	Date(s) of Registration	7/21/11
Line 6	Registration No(s).	PA 1-751-974
Line 7	Date(s) of Infringement	5/16/14
Line 8	Place of Infringement	Green Knoll Grill

---